

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3589-09  
Bill No.: SCS for HS for HCS for HB 1461 & 1470  
Subject: Elections: Secretary of State  
Type: Original  
Date: May 7, 2002

---

**FISCAL SUMMARY**

FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	\$136,302 to \$56,302	(\$72,358 to 152,358)	(\$639,172 to \$1,160,172)
Highway	(\$7,650)	(\$9,181)	(\$9,181)
<b>Total Estimated Net Effect on <u>All</u> State Funds #</b>	<b>\$128,652 to \$48,652</b>	<b>(\$81,539 to \$161,539)</b>	<b>(\$648,353 to \$1,169,353)</b>

# Does not include potential costs, see OA statement in Assumption section.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Grants	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds *</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* Federal grant monies would have a net fund balance of \$0 after distribution.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>Local Government</b>	<b>Unknown to (Unknown)</b>	<b>Unknown to (Unknown)</b>	<b>Unknown to (Unknown)</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 12 pages.

---

## FISCAL ANALYSIS

### ASSUMPTION

Officials of the **Department of Health- Division of Vital Statistics** assume no fiscal impact.

Officials of the **Office of State Courts Administrator** assume no fiscal impact to the State's Courts.

Officials of the **Office of Attorney General** assume any additional duties or cost can be absorbed at current appropriation levels.

Officials of the **Office of Secretary of State (SOS)** stated they would need 2 FTE (Grant Officers) to administer the grants program contained in this proposal. Officials estimate costs for 2 Grant Officers with Fringe Benefits and Equipment at \$98,698 for 10 months of FY 2003; \$112,358; in FY 2004; and \$115,172 in FY 2005. Expenses includes **1)** a grant program which provides for federal funds to election authorities to purchase accessible voting equipment for individuals with disabilities or special needs, and would be **subject to appropriation**; **2)** Federal grant for increasing pay for election judges, and would be **subject to appropriation**; **3)** funding request for advanced voting programs during Presidential elections which cost estimates would be submitted by local election authorities to the Secretary of State, who would then submit them to the Governor. The amount of cost is estimated as follows: Jackson County (215,574 registered voters in 2000) \$20,000; St. Louis County (726,325 registered voters in 2000) \$67,000 and the 112 remaining counties @ \$6,000 apiece \$672,000 **for a total cost of \$759,000 to \$1,200,000 in FY 2005**; **4)** federal funds for youth voting program, which is **subject to appropriation**, and cost is unknown; **5)** provisional ballot costs are based on an estimate used by counties. Costs are estimated to be **\$10,000 in even numbered calendar years**.

Oversight would point out that Section 115.126.3 states that no advance voting or other **absentee voting program authorized pursuant to this section shall occur when the state has failed to appropriate funds to pay the cost. Therefore, Oversight will show fiscal impact on advanced voting, and other programs that are "Subject to Appropriation", as \$0 to (a certain amount).**

Officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the SOS authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 28 new pages of regulations in the Code of State Regulations at a cost of \$27.00 per page, and 42 new pages in the Missouri Register at a cost of \$23.00 per page. Costs due to this proposal are estimated to be \$1,687, however, the actual fiscal impact would be dependent upon the actual rule-making authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the

ASSUMPTION (continued)

number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal.

SOS officials estimate cost of publication of rules and regulations for FY 2003 at \$615; and indeterminable in FY 2004, and 2005. Costs in FY 04, and 05 will be shown as (Unknown), but would not be expected to exceed \$100,000 in a given year. Officials stated that cost would be paid from federal grant monies.

SOS officials assume fiscal impact related to Section 28.160.5 (adoption fees), would depend upon the number of documents that a foreign government would require of adopting couples. The fiscal impact could be a positive or a negative Unknown, however, fiscal impact (either positive or negative ) in a given year would not exceed \$40,000.

**Office of Administration officials stated that Section 115.062** refers to the State's proportional costs of Sections 115.065 and 115.157. The term "proportional costs" is defined in Section 115.065, but the definition does not include payments made to election authorities under Section 115.157, nor does Section 115.157 directly require payment or address the State's cost. Section 115.065.4 does require, subject to appropriation, reimbursement to election authorities "for transactions submitted pursuant to the provisions of Section 115.157". The use of seemingly contradictory phrases when describing what the election authorities should receive from the state permits interpretations **that could result in a wide range of costs. Therefore, it is unknown how these costs would be calculated.**

Officials of the **Office of Administration (OA)** assume this proposal would have no increase in responsibilities. Officials stated that payments to counties where no filing fee is required for Committeewoman/man races, where there is only one candidate, would be eliminated. For OA, this proposal would affect budgeting for uncontested Committeewoman/man where there is no filing fee. The estimated costs of \$205,000 in even numbered calendar years would be eliminated.

**Oversight will show a savings to the State's General Revenue Fund of \$205,000 in FY's 2003 and 2005.**

OA officials stated that there would be costs associated with (Section 115.126.3) Early Voting. Officials assume based on news articles, quoted in February 6, 2001 Columbia Missourian, that costs of early voting would range from \$600,000 to \$3,960,000. Officials estimated costs to St. Louis County at \$2,800,000, Jackson County at \$20,000 and the rest of the state's counties at \$1,140,000.

#### ASSUMPTION (continued)

Officials of the **Department of Revenue (DOR)** stated that their Customer Assistance Bureau

manages operations in the driver license and motor vehicle registration field office. Officials assume the Bureau would require additional funding for postage associated with more frequent mailing of voter registration applications to local election officials, (Section 115.151.3).

DOR officials assume that in order to comply with this legislation and to take into consideration the wide array of office business hours of all the field offices, the Customer Assistance Bureau would require each license office to mail the applications twice per week. Currently, offices mail the applications once per week. Officials estimate the additional cost of postage and supplies for 10 months of FY 2003 at (\$7,650); (\$9181) in FY 2004; and (\$9181) in FY 2005. Officials stated that cost would be to the State's Highway Fund.

Officials of the **Kansas City Board of Election Commission** stated that this proposal provides for a number of new duties. Officials estimate that a 10% increase in costs seems likely. Officials estimate that additional costs could be as much as \$38,750. Officials assume costs would be driven by providing bi-lingual ballots, instructional posters, youth voting, additional locations, and numerous rules for absentee procedure.

Officials of the **Boone County Clerk's Office** stated that this proposal would have fiscal impact to Boone County.

Officials stated that Section I, Provisional Ballot, would increase cost, however, the increase in ballot cost would depend upon the number of ballots cast. Officials estimated that approximately 3,000 or less would be cast during a presidential election. Officials stated their office would have to investigate whether the voter was eligible to vote, therefore, causing employees overtime, and other related costs. Officials stated that costs would depend on the number of provisional ballots casts. The cost is (Unknown). Section 115.287 would generate per election costs of \$250 to \$1,200.

Officials stated that there would be savings realized from the following changes:

- 1) Section 115.613- Removing uncontested County Committee races from the ballot. Officials estimate the there would be savings to the state of approximately \$10,000, and Boone County would realize savings of approximately \$8,000.
- 2) Section 115.081- Changing the number of Judges at the polling place would provide some savings. Officials stated that under current practices, if they need more than 4 workers they would have to provide 6 workers. This proposal would allow more flexibility and would allow us to use 5. Similarly, if the county would need more than 6 workers, the county would have to

ASSUMPTION (continued)

use 8 additional workers. At approximately \$100 per worker the county would save a considerable amount over the course of 4 or 5 elections in a year.

3) Section 115.163- Authorizing use of NCOA program. This cuts mailing costs for undeliverable mail from .33 to .15. Savings, (based on prior mailings of approximately 4,000 letters every 2 years), to Boone County would be approximately \$720. Boone County has a highly mobile population.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
---	---------------------	---------	---------

## **GENERAL REVENUE FUND**

<b><u>Savings</u></b> to Office of Administration Committeewoman/man election costs (Section 115.617)	<u>\$205,000</u>	<u>\$0</u>	<u>\$205,000</u>
---	------------------	------------	------------------

<b><u>Total</u></b> Savings to Office of Administration #	<b><u>\$205,000</u></b>	<b><u>\$0</u></b>	<b><u>\$205,000</u></b>
--	-------------------------	-------------------	-------------------------

<b><u>Income</u></b> to Secretary of State from Federal Grants **	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
--	----------------	----------------	----------------

<b><u>Cost</u></b> to Secretary of State			
Personal Service (2 FTE)	(\$66,707)	(\$82,050)	(\$84,101)
Fringe Benefits	(\$24,021)	(\$29,546)	(\$30,285)
Equipment	(\$7,970)	(\$762)	(\$786)
Expense:			
Promulgate Rules Publication Cost	(\$615)	(Unknown)	(Unknown)
Federal Grant **.			
Provisional Ballot forms (Section 1)	(\$10,000)	\$0	(\$10,000)
Grant-Youth Voting Program (Section 115.801) Federal Grant**	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Grant-Election Equipment (Section 115.074 and 115.076) Federal Grant**	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Grant-Election Judges Pay (Section 115.098) Federal Grant**	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Advanced Voting Program (Section 115.126) General Revenue*	<u>\$0</u>	<u>\$0</u>	<u>(\$759,000 to \$1,200,000)</u>
Adoption Fees (Section 28.160.5) ***	\$40,000 to (\$40,000)	\$40,000 to (\$40,000)	\$40,000 to (\$40,000)

<b>Total</b> Costs to Secretary of State	<u>(\$68,698 to \$148,698)</u>	<u>(\$72,358 to \$152,358)</u>	<u>(\$844,172 to \$1,365,172)</u>
--	--------------------------------	--------------------------------	-----------------------------------

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>ESTIMATED NET EFFECT TO GENERAL REVENUE FUND #</b>	<b><u>\$136,302 to</u> <u>\$56,302 #</u></b>	<b><u>(\$72,358 to</u> <u>\$152,358)</u></b>	<b><u>(\$639,172 to</u> <u>\$1,160,172) #</u></b>

**\* Subject to Appropriation**  
**\*\* Federal Grant money should net to  
\$0**  
**\*\*\* Income or loss of income from  
adoption fee should not exceed \$40,000  
in a given year.**  
**# Does not include potential cost  
associated with Section 115.062 see OA  
statement in Assumptions.**

#### **HIGHWAY FUND**

<u>Costs</u> to Department of Revenue for postage and supplies (Section 115.151.3)	<u>(\$7,650)</u>	<u>(\$9,181)</u>	<u>(\$9,181)</u>
<b>ESTIMATED NET EFFECT TO HIGHWAY FUND</b>	<b><u>(\$7,650)</u></b>	<b><u>(\$9,181)</u></b>	<b><u>(\$9,181)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
---	---------------------	---------	---------

#### **LOCAL ELECTION AUTHORITIES COUNTIES**

<u>Income</u> to Counties for reimbursement from SOS for:			
Election Equipment (Section 115.074 & 115.076)**	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Election Judges Pay (Section 115.102)**	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Advanced Voting (Section 115.126)*	\$0	\$0	\$759,000 to \$1,200,000
Youth Voting (Section 115.801) **	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

**\*\* Federal Grant- Subject to  
Appropriation**

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>* Subject to Appropriation</b>			
<b><u>Savings</u> to Certain Counties</b>			
from:			
Section 115.613- Committeewoman/man			
uncontested race	Unknown	\$0	Unknown
Section 115.081- Judges required	Unknown	Unknown	Unknown
Section 115.163- Authorizing use of	Unknown	Unknown	Unknown
NCOA program			
<b><u>Cost</u> to Election Authorities</b>			
from providing election programs:			
Administrative Impact from additional	(Unknown)	(Unknown)	(Unknown)
duties contained herein.			
Election Equipment **	\$0 to	\$0 to	\$0 to
	(Unknown)	(Unknown)	(Unknown)
Election Judges Pay Increase **	\$0 to	\$0 to	\$0 to
	(Unknown)	(Unknown)	(Unknown)
Advanced Voting Program *	\$0	\$0	(\$759,000 to
			\$1,200,000)
Youth Voting (Section 115.801) **	\$0 to	\$0 to	\$0 to
	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT TO</b>	<b><u>Unknown to</u></b>	<b><u>Unknown to</u></b>	<b><u>Unknown to</u></b>
<b>LOCAL GOVERNMENTS ***</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>

**\* Subject to Appropriation**

**\*\* Federal Grant- Subject to  
 Appropriation**

**\*\*\* Federal Grants income and costs would have a net effect of \$0**

#### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

#### DESCRIPTION

This substitute makes numerous changes to the election laws. In its main provisions, the substitute:

**COPYING FEES - (Section 28.160) -** This act revises the amount that can be charged for services rendered by the Secretary of State. This act limits the state's allowable fee for processing certain adoption documents to \$100 per child per adoption, or per multiple children adopted at the same time. Current law allows a fee of \$10 per document.

**MUNICIPAL CANDIDATES - (Section 71.005) -** The act prohibits any person from being a candidate for municipal office if such person has failed to pay municipal taxes or user fees.

**DEFINITIONS - (Section 115.013) -** The act modifies definitions for ballot, electronic voting system, and municipality.

**BOARD OF ELECTION COMMISSIONERS - (Section 115.027) -** Members of the Board from the major political party which is not the political party of the Governor shall be appointed by the governor from names submitted by the state party committee. In jurisdictions with a board of election commissioners, a non- voting representative from each major political party can be appointed by the Governor to participate in discussions of the board.

**PROPORTIONAL COSTS - (Section 115.062) -** The state must, as soon as practicable, pay its proportional costs to election authorities.

**GRANT PROGRAMS-** The act sets up a number of grant programs, all of which are subject to appropriation from federal funds:

Election equipment upgrades (Section 115.074); -Improving accessibility for individuals with disabilities (Section 115.076);  
Increasing the compensation of election judges (Section 115.098); -Youth voting programs (Section 115.801); and a program to allow election authorities to receive federal grants (Section 115.803).

**ELECTION JUDGES -** The act changes the number of election judges needed for primary and general elections and non-primary and non- general elections. No party shall have a majority of judges at a polling place. An election authority may appoint judges from other established parties

**DESCRIPTION** (continued)

and non-affiliated judges. Any decision shall be made by the major political party judges (Section 115.081).

In jurisdictions without a board of election commissioners, the parties may submit names of judges to the election authority. County clerks can make the decisions on judges if the clerk serves as the election authority (Section 115.087).

The act allows boards of election commissioners to compile lists of non-partisan judges (Section



115.089).

Provisions are included to ensure that no party has a majority of judges (Sections 115.095, 115.097 and 115.099).

EMPLOYEE PROTECTION - (Section 115.102) - Prohibits adverse action against employee by employer for the employee serving as election judge.

TIME OF ELECTIONS - (Section 115.123) - Expands election days in June and August.

ADVANCED VOTING - (Section 115.126) - Election authorities shall establish an advance voting system for use in presidential election years. Voting begins 14 days before election. The polls may be open on Saturday, Sunday and holidays.

SPECIAL ELECTIONS - (Section 115.127) - The election authority in jurisdictions with less than 750 registered voters and no qualified newspaper may send notice of the election by first class mail to each registered voter. Currently, such provision only applies to jurisdictions with less than 500 registered voters.

INCAPACITATED PERSONS - (Section 115.133) - Technical change so that persons adjudged incapacitated cannot register to vote. This act also provides that, with limited exceptions, no person can vote if not registered in the jurisdiction where they reside prior to the deadline to register.

REGISTRATION - (Sections 115.135 and 115.137) - Technical changes to require person to be registered in jurisdiction where voting.

VOTER REGISTRATION AGENCIES - (Sections 115.151, 115.160, 115.162) - Voter registration agencies are required to transmit all voter registration applications to the appropriate election authority within five business days.

#### DESCRIPTION (continued)

VOTER INFORMATION - (Section 115.157) - Certain individuals are exempted from the public disclosure of their residential addresses.

ABSENTEE BALLOTS - (Section 115.159) - A person cannot vote by absentee ballot until after first voting in person with proper identification or providing a copy of proper identification to the election authority, with some exceptions. Persons responsible for the care of incapacitated persons may vote by absentee ballot (Sections 115.277, 115.283). Applications for ballot can be made by fax (Section 115.279). Certain relatives can deliver and return ballots (Section 115.287). Overseas federal personnel can send ballot by fax (Section 115.291).

**VOTER CANVASSING** - (Sections 115.163, 115.179) - Allows election authority to use postal service to identify incorrect addresses and canvass voters. Before removing a voter from the registration records, a confirmation notice must be sent to the voter's corrected address as identified by the National Change of Address program.

**DECEASED, FELONS, INCAPACITATED PERSONS** - (Section 115.195) - The Secretary of State is responsible for obtaining monthly information on deceased persons, new felons, and newly adjudged incapacitated persons and submitting that information to election authorities.

**COMPUTERIZED VOTING SYSTEMS** - (Section 115.225) - The secretary of state shall promulgate rules to allow the use of computerized voting systems. Such rules shall focus on the ability of the system to produce a paper audit trail. The Secretary of State shall adopt rules to create uniform standards for ballot layout for computerized voting systems. (Sections 115.233, 115.237).

**INTERNATIONAL OBSERVERS** - (Section 115.409) - Allows registered international observers to be admitted to polling place.

**VOTER INSTRUCTIONS** - (Section 115.417) - Voter instructions of a certain size must be posted at each polling place. The Secretary of State can develop multi-lingual voting instructions.

**BUTTERFLY BALLOTS** - (Section 115.420) - Butterfly ballots are prohibited unless approval is granted by the Secretary of State. The Secretary must act on requests within two business days.

**VOTER IDENTIFICATION** - (Section 115.427) - Before voting, a person must show an approved form of personal identification issued by some government agency or Missouri post-secondary school. Personal knowledge of the voter by two supervisory election judges is acceptable voter identification.

#### DESCRIPTION (continued)

**VOTING PROCEDURES** - Provides that the election authority or circuit court won't allow a person to vote unless the person has complied with all registration requirements (Section 115.429). Technical changes to procedure for initialing of ballot by judges (Section 115.433). The Secretary of State shall promulgate rules that must be followed by election authorities regarding the form of stickers used on ballots (Section 115.439). Technical change to ballot retention statute (Section 115.493).

**VOTER INTENT** - (Section 115.453) - Election judges shall follow rules adopted by the Secretary of State in determining voter intent.

**POLITICAL PARTY COMMITTEES** - (Section 115.613) - No election will be held if only one

candidate for committeeman in a district files prior to the deadline.

SECRETARY OF STATE POWERS - (Section 115.645) -Upon a judicial determination of probable cause, the Secretary is given power to subpoena relevant persons and records. The power is limited to certain cases of statewide interest where local officials are unable or unwilling to investigate or cases where the local election authority requests the Secretary to investigate. The Secretary may request the Attorney General to apply to a circuit judge to issue a subpoena to any witness. The Attorney General will cooperate with any such investigation. Restrictions made on Secretary's ability to investigate when it may affect outcome of election. No subpoena will be issued until after the counting of all ballots and the posting of the election results. The Secretary has the power to subpoena records closed under the sunshine law.

PROVISIONAL VOTING - (Section 1) - The act establishes a system of provisional voting in cases where the eligibility of a voter cannot be immediately established. The system only applies to primary and general elections where candidates for federal and statewide offices are nominated or elected and elections where statewide issues are submitted to the voters.

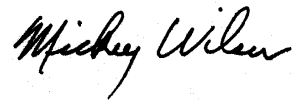
The substitute has an emergency clause applying to the provision on party committee races.

#### SOURCES OF INFORMATION

Office of Secretary of State  
Office of Attorney General  
Office of State Courts Administrator  
Office of Administration-Division of Budget and Planning  
Department of Revenue  
Department of Health- Division of Vital Statistics

#### SOURCES OF INFORMATION (continued)

Boone County Clerk  
Kansas City Board of Election Commission

A handwritten signature in black ink, reading "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Acting Director  
May 7, 2002